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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Worker's Compensation Commission
Appellate Panel

Appellate Case No. 2017-000379

Errol D. Chapman, Claimant, Appellant,
v.
Carolinas Construction Respondents.
Solutions, LLC, Employer, and
StarNet Insurance Company,
Carrier,

MOTION TO DISMISS APPEAL

Pursuant to Rules 240 and 260(a) of the South Carolina Appellate Court Rules, Respondents Carolinas Construction Solution, LLC and StarNet Insurance Company move to dismiss Appellant Errol D. Chapman's appeal. Respondents respectfully request this Court to dismiss this appeal because Appellant has consistently failed to comply with the requirements of the South Carolina Appellate Court Rules.

On June 16, 2017 Appellant filed the initial brief of appellant and the designation of matter. Neither the brief nor designation of matter complied with requirements of Rule 267 of the South Carolina Appellate Court Rules. Specifically, neither was type written, the caption was incorrectly set forth, and the pages were not numbered. On three other occasions this court has advised

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appellant of his failure to comply with the South Carolina Appellate Court Rules and notified him his appeal would be dismissed if his filings were not corrected to comply.

On June 22, 2017 this court sent Appellant both a letter regarding the Appellant's initial brief and a letter regarding the designation of matter, explaining the deficiencies and notifying Appellant that the deficiencies must be corrected within 10 days of letter or the appeal will be dismissed. The ten (10) day period expired on July 3, 2017. As of the filing of this motion, Appellant still has not filed an initial brief or designation of matter that complies with the Appellate Court Rules. Thus, this Court is required to dismiss his appeal. Rule 260(a), SCACR ("Whenever it appears that an appellant or a petitioner has failed to comply with the requirements of these Rules, the clerk *shall* issue an order of dismissal, which shall have the same force and effect as an order of the appellate courts." (emphasis added)); *see also Wise v. S.C. Dep't of Corrections*, 372 S.C. 173, 173, 642S.E.2d 551, 551 (2007) ("Whenever it appears that an appellant has failed to comply with the requirements of the SCACR, an order of dismissal *shall* be issued." (emphasis added)).

July 9, 2017



Michael W. Burkett
Willson Jones Carter & Baxley, P.A.
3600 Forest Drive, Suite 204
Columbia, SC 29204

BEFORE THE SOUTH CAROLINA

COURT OF APPEALS

WCC FILE NO. 2017-000379

Errol D. Chapman,)
 Employee,)
 Claimant,)
 vs.)
 Carolinas Construction Solutions, LLC,)
 Employer,)
 and)
 Key Risk,)
 Carrier,)
 Defendants.)

CERTIFICATE OF SERVICE

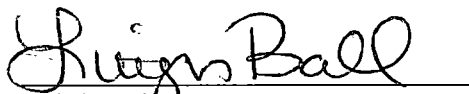
I, Leigh Ball, do hereby certify that I am the Legal Assistant for Michael W. Burkett, Esquire, attorney for the defendants with **WILLSON JONES CARTER & BAXLEY, P.A.** in Columbia, South Carolina, and that on the 10th day of July, 2017, I mailed the foregoing Motion to Dismiss to the following by placing a copy thereof in the United States mail, first class and Certified Mail, proper postage affixed thereto:

Mr. Errol Chapman
 3515 Oleander Drive
 Sumter, SC 29154

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SC Court of Appeals


 Leigh Ball

Legal Assistant to Michael W. Burkett, Esquire
WILLSON JONES CARTER & BAXLEY, P.A.

WILLSON JONES CARTER & BAXLEY, P.A.

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July 10, 2017

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Jenny Abbott Kitchings, Clerk
S.C. Court of Appeals
1015 Sumter Street
P.O. Box 11629

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SC Court of Appeals

Re: Errol Chapman vs. Carolinas Construction Solutions
Appellate Case No. 2017-000379

Dear Ms. Kitchings:

Enclosed please find the original and six copies of a Motion to Dismiss in the above-referenced matter. Please file the originals and return clocked-in copy via our courier.

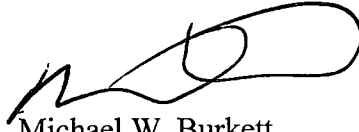
By copy of this letter to the Appellant we are serving him with a copy of this motion.

Respondents hereby request a 30 day extension to file their initial brief and designation of matter in the above appeal. This is the first extension requested for this initial brief. The additional time is sought because we have filed a motion to dismiss based on Appellant's failure to comply with the Appellate Court Rules.

Currently Respondent's initial brief is due on July 14, 2017. With the additional time, the brief would be due August 14, 2017. We request that the deadline to file the initial brief be held in abeyance until a ruling has been issued on this request. Please find a check in the amount of \$25.00 included for the motion to dismiss. We are filing a separate letter that will include another \$25.00 filing fee for the request for an extension.

With kindest regards,

WILLSON JONES CARTER & BAXLEY, P.A.

A handwritten signature in black ink, appearing to read "Michael W. Burkett". The signature is stylized with a large, looped "B" and a long horizontal stroke.

Michael W. Burkett

MWB/skj

Enclosures

Cc (w/enclosures): Mr. Errol D. Chapman (Via US Postal Service and Certified Mail)